

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

COURTROOM PROCEEDINGS

The court met in its courtroom at 10:00 A.M. Present: Honorable Steven M. Vartabedian, Acting Presiding Justice; Honorable Herbert I. Levy, Associate Justice; Honorable Dennis A. Cornell, Associate Justice; and Eve Sproule, Court Administrator/Clerk, by Diana Monopoli, Deputy Clerk.

F038025 Leamon et al v. Krajkiewicz et al.

Cause called and argued by Michael L. Abbott, Esq., counsel for appellants Leamon et al and by Robert F. Farrace, Esq., counsel for appellants Krajkiewicz et al.

Cause ordered submitted.

Court recessed until Tuesday, February 11, 2003 at 1:30 P.M.

The court reconvened in its courtroom at 1:30 P.M. Present: Honorable Steven M. Vartabedian, Acting Presiding Justice; Honorable Herbert I. Levy, Associate Justice; Honorable Dennis A. Cornell, Associate Justice; and Eve Sproule, Court Administrator/Clerk, by Rosemary Heredia, Assistant Deputy Clerk.

F038908 Curti v. M. Green and Company et al.

Cause called and argued by Matthew c. Wagner, Esq., counsel for appellant and by Jerry D. Casheros, Esq., counsel for respondent.

Cause ordered submitted.

Court recessed until Thursday, February 13, 2003 at 1:30 P.M.

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

F042180 Holloway v. California Highway Patrol et al.

Appellant having failed to perform the acts necessary to procure the record after the clerk of the trial court issued notice pursuant to the provisions of rule 8(a)(1), California Rules of Court, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

F039294 People v. Hoffman

The judgment (the conviction in count I, the true finding on the Penal Code section 12022.7 enhancement in count I, and the order of probation) is affirmed. Harris, Acting P.J.

We concur: Cornell, J.; Gomes, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F039047 People v. White

Appellant's petition for rehearing filed herein is denied.

F040907 In re Ricky H., a Minor

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

F040907 In re Ricky H., a Minor

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F039727 People v. Fisher

The judgment is affirmed. Cornell, J.

We concur: Vartabedian, Acting P.J.; Levy, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F039518 People v. Cowings

F040345 People v. Cowings

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

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- F039518** **People v. Cowings**
F040345 **People v. Cowings**
 The judgment is affirmed.
 By the Court.
 [NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F038614** **People v. Gupton et al.**
 Filed modification of opinion (no change in judgment). Buckley,
 J.
 We concur: Dibiaso, Acting P.J.; Wiseman, J.
 [NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F039051** **People v. Dedmon**
 The judgment is affirmed. Buckley, J.
 We concur: Dibiaso, Acting P.J.; Wiseman, J.
 [NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F041831** **People v. Stidham**
 No brief having been filed by appellant after notice duly given
 under rule 37(b) of the California Rules of Court, IT IS HEREBY
 ORDERED that the appeal in the above-entitled action is dismissed.
- F041402** **In re J.R., a Minor**
 Counsel having failed to request oral argument in the above-
 entitled case, oral argument is deemed waived in accordance with the
 provisions of a notice heretofore mailed to counsel and the cause is
 submitted.
- F041402** **In re J.R., a Minor**
 The order terminating parental rights is affirmed.
 By the Court.
 [NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

IN THE

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F040744 In re D. D., a Minor

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

F040744 In re D. D., a Minor

The juvenile court's orders are reversed and the matter remanded for further proceedings consistent with this opinion. We direct appellant's counsel on appeal to forward appellant's last known address to Agency.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F040781 In re D. D. et al., Minors

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

IN THE

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F040781 In re D. D. et al., Minors

The orders terminating parental rights are reversed.

On remand and unless the Agency can introduce proof that it previously gave proper notice, as detailed in *In re H.A.*, supra 103 Cal App.4th at page 1215 and with regard to both D. and his younger brother, the Agency shall complete and serve, pursuant to the terms of ICWA, a “NOTICE OF INVOLUNTARY CHILD CUSTODY PROCEEDING INVOLVING AN INDIAN CHILD” (SOC form 319) on the appropriate tribes and the BIA. The Agency shall further file with the juvenile court proof of the registered or certified mail and the return receipt(s), the completed notice form that was served, and any responses received. [Citation].

The juvenile court shall not proceed further in these minors’ cases until the Agency has proven its compliance with ICWA notice provisions and at least 10 court days have elapsed since the tribes and the BIA received such notice. In the event a tribe shall declare either child an Indian child within the meaning of ICWA, the juvenile court shall then proceed according to the dictates of ICWA.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F039120 People v. Macias Jr.
F039121

The appeals are dismissed. Gomes, J.

We concur: Dibiaso, Acting P.J.; Wiseman, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F041513 Westburg v. City of Fresno et al.

No brief having been filed by appellant after notice duly given under rule 17(a) of the California Rules of Court, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

F040175 People v. Oseguera

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

IN THE
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F040175 **People v. Oseguera**
The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]